

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY,)	
)	
Plaintiff,)	
)	Civil Action No. 11-99 Erie
v.)	
)	
DR. RICHARD ZEWE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on April 19, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 30], filed on December 9, 2011, recommended that the motion to dismiss filed by Defendants [ECF No. 18] be denied. The parties were allowed fourteen (14) days from the date of service to file objections. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of December, 2011;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants [ECF No. 18] is DENIED.

The Report and Recommendation [ECF No. 30] of Magistrate Judge Baxter, filed on December 9, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge